

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

## **NOTICE OF MOTION**

TO: Thomas H. Hooper, Office of the Chapter 13 Trustee, 55 E. Monroe St., Suite 3850 Chicago, IL 60603, via electronic court notification;

See attached service list.

PLEASE TAKE NOTICE THAT on November 18, 2021 at 9:30 a.m., I will appear before the Honorable Judge Donald R. Cassling or any judge sitting in that judge's place, and present the motion of Debtor to Modify Plan Post Confirmation, a copy of which is attached.

**This motion will be presented and heard electronically using Zoom for Government.**  
No personal appearance at the courthouse is necessary or permitted. To appear and be heard on the motion, you must do the following:

**To appear by video**, use this link: <https://www.zoomgov.com/> Then enter the meeting ID and passcode.

**To appear by telephone**, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

**Meeting ID and passcode.** The meeting ID for this hearing is 161 414 7941 and the passcode is 619. The meeting ID and password can also be found on the judge's page on the court's web site.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

By: David H. Cutler  
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**CERTIFICATE OF SERVICE**

I, David H. Cutler, hereby certify that I served a copy of this notice and the attached motion electronically or through U.S. Mail on each entity shown on the attached list at the address shown on the list on October 26, 2021 by 7:30 p.m.

By: /s/ David H. Cutler  
David H. Cutler, esq.  
Counsel for Debtor(s)  
Cutler & Associates, Ltd.  
4131 Main St.  
Skokie, IL 60076

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

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In Re: ) Case No.: 19-27159  
Charise B Whaley )  
 ) Chapter 13  
 )  
 ) Judge: Donald R. Cassling  
Debtor(s) )

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MOTION TO MODIFY PLAN POST CONFIRMATION

NOW COMES the Debtor, Charise B Whaley, (hereafter referred to as "the Debtor"), by and through her attorneys, The Law Offices of Cutler & Associates, Ltd., to present this Motion and state as follows:

1. This Court has jurisdiction over this proceeding pursuant to 28 USC §1334 and this is a "core proceeding" under 28 USC §157(b)(2).
2. The Debtor filed for relief under Chapter 13 of the United States Bankruptcy Code on September 25, 2019.
3. On February 6, 2020, this Honorable Court confirmed the Debtor's Chapter 13 Plan.
4. The Debtor's confirmation order provides for a plan payment of \$1,072 for 4 months then \$1,000 for 56 months for the remainder of the plan with unsecured creditors receiving 100% of their unsecured claims.
5. The Debtor's plan was modified on October 22, 2020 post-confirmation to increase the plan payment to \$1,068 a month, beginning in November 2020 until the end of the plan and to defer the default to the end of the plan.
6. The Debtor has a current default of \$4,239 as of the date of this motion.
7. The Debtor has paid in to date a total of \$18,835 into the Chapter 13 plan.

8. The Debtor has experienced a loss of income due to the Covid-19 pandemic and she has fallen behind on her plan payments. The Debtor had taken unpaid leave from work as she was exposed to Covid-19 three times this year in March 2021, April 2021 and June 2021 and had to quarantine for 14 days.
9. The Debtor also helps care for her 5-year-old granddaughter who is normally in daycare, but when the daycare center where her granddaughter attends had shut down due to a Covid-19 exposure for 2 weeks in July 2021 and August 2021, the Debtor had taken a few days of unpaid leave from work to help care for her.
10. The Debtor's income has been affected and she is experiencing a material financial hardship directly related to the coronavirus disease 2019 (COVID-19) pandemic.
11. The Debtor is looking to defer the current trustee default to the end of the plan and to extend the Chapter 13 plan term over 60 months under H.R. 748 – CARES ACT §1113 since the Debtor's loss of income was direct result of the (COVID-19) pandemic. The Debtor is looking to extend the Chapter 13 plan term over 60 months in accordance with 11 U.S.C. §1329(d)(1).
12. The Debtor will be in a position to make plan payments going forward if the payments are deferred and her Chapter 13 plan term is extended over 60 months as the Debtor has received a raise at her job.
13. The Debtor is able to make her plan payments going forward, but she is unable to catch up on the full default amount.
14. The Debtor requests that this Honorable Court defer the current trustee default to the end of the plan and to extend the Chapter 13 plan term over 60 months under H.R. 748 – CARES ACT §1113.

WHEREFORE, the Debtor respectfully requests that this Court modify the Debtor's Plan Post Confirmation to defer the current trustee default to the end of the plan and to extend the Chapter 13 plan term over 60 months in accordance with 11 U.S.C. §1329(d)(1); and for such further relief that this Court may deem just and proper.

Dated: October 26, 2021

Respectfully Submitted,

By: /s/ David H. Cutler

David H. Cutler, esq.,  
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